

Application No. 09/359,809
Amendment dated February 25, 2005
Response to September 10, 2004 Office communication

REMARKS/ARGUMENTS

Applicant's attorney acknowledges the interview with the examiner at the United States Patent and Trademark Office on February 25, 2005 and the courtesy extended by the examiner at that time. Applicant's attorney presented amendments to the claims to describe the process and product by process claims using the same format as the claims in copending application Serial No. 09/357,957, also acted on by examiner Toomer.

All claims have been amended to describe the lubricants of the invention as a material for lubricating a surface as set out in the last paragraph on page 68 of the written description. Applicant has amended the claims to include a material for lubricating a surface optionally with an organic lubricant, or water, or lubricant additive. The written description supports the organic lubricants at pages 6-14 and the paragraph bridging pages 25-26, whereas pages 15-18 support inorganic lubricants, and water at page 25, first full paragraph, lubricant additives in the claims as originally filed, and mixtures at page 26, second full paragraph inter alia.

In addition to the support for the presently claimed material for lubricating a surface as noted above, original claims 6, 10, 14 and claim 85 (allowed by the examiner's communication of September 14, 2004) also support the amendments to the claims to describe the material for lubricating a surface as (1) a lubricating metal and alloys thereof, lubricating metal oxide, halide, nitride, carbonate and phosphate, or carbon lubricants; or (2) a silicate ester, polyphenyl ether, phosphate, chlorinated biphenyl, phenanthrene or phthalocyanine, as various types of materials for lubricating a surface. The examiner was in agreement.

At the interview, applicant's attorney presented amendments to claims 73-91 and advised that he would amend claim 75 to add various sub genera of materials for lubricating a

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surface to the claim and add dependent claims 92-100 specifying each one of those materials. Applicant's attorney also pointed out that the amendments to claim 75 and the addition of claims 92-100 tracked similar claims in copending application Serial No. 09/357, 957. The examiner did not object to these changes and the present amendment incorporates them.

Upon further review, applicant's attorney has not amended Claim 75 to make it an independent product by process claim as presented at the interview, but has retained it as a claim dependent on product by process Claim 74. The amendments to claims 77 and 83 add the inorganic lubricants zinc phosphate, iron phosphate and manganese phosphate, which claim allowed claim 85 supports.

THE REJECTION UNDER 35 U.S.C. § 103 (a) AND TRAVERSE

The examiner rejects claims 73-75, 78,79 , and 86-91 under 35 U.S.C. § 103(a) as unpatentable over Freeman, United States Patent 5,218,011 in view of Le-Khac, United States Patent 4,616,063. At the interview, applicant's attorney pointed out the examiner also rejected claims on January 14, 2005 in copending application Serial No. 09/357,957 based on Johnson, United States Patent No. 5,275,760, Garner, JCE 1997 (74) 95 [Jan], and Martineau, et al. United States Patent No. 4,977,192. Applicant traverses the rejection in this application and the applicability of any of the references applied in the copending application and requests further consideration and reexamination.

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Applicant has amended the claims in this application and the copending application to describe the superabsorbent polymer combination with a material for lubricating a surface as comprising the following:

(1) a lubricating metal and alloys thereof, lubricating metal oxide, halide, nitride, carbonate and phosphate, or carbon lubricants; or

(2) a silicate ester, polyphenyl ether, phosphate, chlorinated biphenyl, phenanthrene or phthalocyanine;

said material for lubricating a surface optionally comprising an, organic lubricant, inorganic lubricant, lubricant additive, or mixtures thereof.

Applicant previously pointed out support for these amendments which distinguish the references cited in the copending application as well as the present application in that they do not teach superabsorbent polymers in combination with the foregoing materials for lubricating a surface.

ALLOWED CLAIMS

The examiner has allowed claims 76, 77 and 80-85 which applicant has further amended as indicated above. These amendments comprise describing the material for decreasing friction as a material for lubricating a surface, and have added, zinc phosphate, iron phosphate, and manganese phosphate to allowed claims 77 and 83, all of which the application supports, as discussed above.

Applicant requests the examiner to allow new Claims 92-100 dependent on allowed claim 76. These claims follow the format of claim 30 in copending application Serial No.

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09/357,957, and claims 41-50 dependent on claim 30, which the examiner said at the interview that she would consider favorably.

CONCLUSIONS

Applicant requests the Examiner to withdraw the rejections in view of the foregoing amendments and remarks and pass the application to issue .

Respectfully submitted,

THE LAW OFFICES OF ROBERT J. EICHELBURG

By: /Robert J. Eichelburg, Reg. No. 23,057/

February 25, 2005

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By: /Robert J. Eichelburg, Reg. No. 23,057/

February 25, 2005